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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,637	10/18/2001	Richard H. Thompson III	DRC0001	9979

25235 7590 04/13/2005  
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EXAMINER

BARNIE, REXFORD N

ART UNIT PAPER NUMBER

2643

DATE MAILED: 04/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/007,637	<b>Applicant(s)</b> THOMPSON ET AL.	
	<b>Examiner</b> REXFORD N BARNIE	<b>Art Unit</b> 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on 18 October 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☐ Claim(s) 1-10 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-10 and 21-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

*RNBarnie*  
**REXFORD BARNIE**  
**PRIMARY EXAMINER**

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5-10 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh et al. (US Pat# 6,813,488) in view of Thomas et al. (US Pat# 6,487,283) or Eng et al. (US 2002/0101967) or Mijares et al. (US Pat# 6,330,311).

Regarding claim 1, Marsh teaches a system and method for determining optimal wireless communication service plans by accessing a database of a user's call detail record (see cols. 9-10, col. 13), determining average usage (see col. 17), creating a list of service providers plans available from communication service providers and performing a plan cost analysis and then making a recommendation in (see cols. 8-10, col. 2, col. 13, col. 16, col. 33).

Marsh fails to teach organizing or arranging service plans in order of calculated plan cost.

Thomas teaches a communication system where service providers can be analyzed for reasons including quality of service and then ranking service providers in any order desired including least cost in (see col. 9).

Eng teaches a telecommunications system wherein service plans/providers can be ranked in view of lowest rates or cost in (see fig. 6C).

Mijares teaches a communication system with least cost routing or service plans wherein service providers can be recommended or displayed in order of plan cost in (see col. 14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of either secondary reference into that of Marsh thus making it possible to read and select a least cost provider efficiently without difficulty.

Regarding claim 2, The combination including Marsh teaches the claimed subject matter in (see col. 17 lines 1-15

Regarding claims 5-7, The combination including Marsh teaches the claimed subject in (see cols. 8-10, col. 16, col. 23, col. 33).

Regarding claims 8-10, The combination takes official notice that it's well known to communicate with a plurality of service providers with different structures and/or format and then converting them into a format suitable for one's network.

Regarding claim 21, Marsh teaches a system and method for determining optimal wireless communication service plans by accessing a database of a user's call detail record (see cols. 9-10, col. 13), determining average usage (see col. 17), creating a list of service providers plans available from communication service providers and performing a plan cost analysis and then making a recommendation in (see cols. 8-10, col. 2, col. 13, col. 16, col. 33).

Marsh fails to teach organizing or arranging service plans in order of calculated plan cost.

Thomas teaches a communication system where service providers can be analyzed for reasons including quality of service and then ranking service providers in any order desired including least cost in (see col. 9).

Eng teaches a telecommunications system wherein service plans/providers can be ranked in view of lowest rates or cost in (see fig. 6C).

Mijares teaches a communication system with least cost routing or service plans wherein service providers can be recommended or displayed in order of plan cost in (see col. 14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of either secondary reference into that of Marsh thus making it possible to read and select a least cost provider efficiently without difficulty.

Regarding claims 22-23, see the explanation as set forth above and col. 24. It's known to be able to access usage data over a computer network.

Regarding claim 24, The examiner takes official notice that fraud alert based on exceeding usage threshold levels such as making calls to certain countries, too many calls within a certain time frame, delinquent account and so forth is notoriously well known in the art.

Claims 1-6, 8-10 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradshaw et al. (US Pat# 5,027,388) in view of Thomas et al. (US Pat# 6,487,283) or Eng et al. (US 2002/0101967) or Mijares et al. (US Pat# 6,330,311).

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Regarding claim 1, Bradshaw teaches a method of selecting eligible service plans identified for a user wherein cost associated current and eligible service plans are calculated in (see abstract) comprising accessing call detail record in (see figs.), determining average usage in (see figs. 8-11), creating a list, calculating a plan cost and making a recommendation in (see col. 3 line 67-col. 4 line 2, col. 8-9).

Bradshaw fails to teach organizing or arranging service plans in order of calculated plan cost.

Thomas teaches a communication system where service providers can be analyzed for reasons including quality of service and then ranking service providers in any order desired including least cost in (see col. 9).

Eng teaches a telecommunications system wherein service plans/providers can be ranked in view of lowest rates or cost in (see fig. 6C).

Mijares teaches a communication system with least cost routing or service plans wherein service providers can be recommended or displayed in order of plan cost in (see col. 14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of either secondary reference into that of Bradshaw thus making it possible to read and select a least cost provider efficiently without difficulty.

Regarding claim 2-3, The combination including Bradshaw teaches the claimed subject matter in (see figs.).

Regarding claim 4, The combination including Bradshaw teaches an analysis period of four month but it would have been obvious to one of ordinary skill in the art at the time the invention was made to use any desired time frame based on the information level desired and the complexity of one's system including memory storage capability and so forth.

Regarding claims 5-6, The combination teaches the claimed subject matter in (see col. 8).

Regarding claims 8-10, The combination takes official notice that it's well known to communicate with a plurality of service providers with different structures and/or format and then converting them into a format suitable for one's network.

Regarding claim 21, Bradshaw teaches a method of selecting eligible service plans identified for a user wherein cost associated current and eligible service plans are calculated in (see abstract) comprising accessing call detail record in (see figs.), determining average usage in (see figs. 8-11), creating a list, calculating a plan cost and making a recommendation in (see col. 3 line 67-col. 4 line 2, col. 8-9).

Bradshaw fails to teach organizing or arranging service plans in order of calculated plan cost.

Thomas teaches a communication system where service providers can be analyzed for reasons including quality of service and then ranking service providers in any order desired including least cost in (see col. 9).

Eng teaches a telecommunications system wherein service plans/providers can be ranked in view of lowest rates or cost in (see fig. 6C).

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Mijares teaches a communication system with least cost routing or service plans wherein service providers can be recommended or displayed in order of plan cost in (see col. 14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of either secondary reference into that of Bradshaw thus making it possible to read and select a least cost provider efficiently without difficulty.

Regarding claims 22-23, The combination including Bradshaw teaches generating a report and it's known to view one's usage data over a computer network.

Regarding claim 24, The examiner takes official notice that fraud alert based on exceeding usage threshold levels such as making calls to certain countries, too many calls within a certain time frame, delinquent account and so forth is notoriously well known in the art.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **REXFORD N BARNIE** whose telephone number is (703)306-2744. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRIMARY EXAMINER  
REXFORD BARNIE  
03/03/04

*RBarnie*  
REXFORD BARNIE  
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